

1 Q. Do any of the directors have offices at  
2 the hotel?

3 A. Yes.

4 Q. At the hotel?

5 A. Yes.

6 Q. They do? You mean a business-type  
7 office?

8 A. An office where files are secured.

9 Q. An office where they have access to a  
10 telephone?

11 A. Yes.

12 Q. An access where someone can call them?

13 A. Yes.

14 Q. You have a number of directors, as I  
15 recall?

16 A. Fifteen.

17 Q. So is there a suite of offices for the  
18 directors?

19 A. No.

20 Q. Can you explain to me, physically,  
21 what's involved in terms of where the directors  
22 could receive or make telephone calls?

23 A. The secretary/treasurer has a small  
24 room complex off the main lobby in a corner, and  
25 that was also used by the banquet setup crew. In

1       there is a desk, a telephone, and several file  
2       cabinets.

3               To my knowledge, this person, at best,  
4       used that office probably one day.

5           Q.       One day how often?

6           A.       In his life.

7           Q.       None of the other directors used that  
8       room or office?

9           A.       No.

10          Q.       Who routes the telephone calls? You  
11       have a telephone operator?

12          A.       Yes.

13          Q.       How many rooms are in your hotel?

14          A.       One hundred thirty.

15          Q.       One hundred thirty rooms. It's a very  
16       large establishment. You have the wrinkles to  
17       prove it.

18               You have a telephone operator?

19          A.       Yes.

20          Q.       How many telephone operators do you  
21       have?

22          A.       Well, all front desk personnel are also  
23       operators, so we're talking about a possibility,  
24       including night auditor, eight people.

25          Q.       And those are the persons that route

1 the calls, right?

2 A. Yes.

3 Q. And you have a system of routing in a  
4 console, is that it? How are the calls routed?

5 A. Through a main switchboard.

6 Q. During the day, if I was to call your  
7 hotel, would a switchboard operator answer? Or  
8 would the front desk answer?

9 A. They are one in the same.

10 Q. The switchboard is the same as the  
11 front desk?

12 A. Yes.

13 Q. I see. So the calls go in to the front  
14 desk?

15 A. Yes.

16 Q. And they are routed from there?

17 A. Yes.

18 Q. I want to ask you, begin about  
19 paragraph six of your affidavit, and in the middle  
20 of the paragraph it states: I am aware of all  
21 contract obligations, including all lease  
22 negotiations and agreements that may require board  
23 approval. Do you see that?

24 A. Yes.

25 Q. What does may mean?

1           A.       Well, I am responsible to, basically,  
2       oversee all of the contracts.

3           However, some contracts require board  
4       approval. Some do not.

5           A contract, for instance, on an IBM  
6       typewriter for a lease, you know, a lease contract  
7       or a service contract, I sign without board  
8       approval, as many other contracts.

9           We have lease engagements with tenants  
10      on the property. That goes through the board of  
11      directors as an annual discussion as to what  
12      increases, if any, would be supplied, and that must  
13      be signed by an officer, the president of the board  
14      of directors.

15          Q.       Now, initially when you are contacted  
16      by -- back, I guess it was, in 1989ish, beginning?

17          A.       That's --

18          Q.       And you had that contact, was that  
19      reported by you to the board?

20          A.       No.

21          Q.       And why not?

22          A.       Because it was so tentative. It wasn't  
23      worthy of bringing up.

24          Q.       I understand. Now, continuing on in  
25      paragraph four, you say -- Excuse me, paragraph six

1 the same middle of the paragraph: To the best of  
2 my knowledge.

3 A. Yes.

4 Q. And why did you use the words, to the  
5 best of my knowledge, there?

6 A. Several reasons. Four and a half years  
7 have passed, and --

8 Q. You're simply not sure?

9 A. That's correct.

10 Q. Again, later on in D, to the best of my  
11 knowledge, same reason?

12 A. That's correct.

13 Q. You're just not sure?

14 A. I'm relatively sure, but there is room  
15 for doubt, yes.

16 On that topic, again, to elaborate on  
17 that, to get to the point, had I been shown a  
18 diagram of a tower, whether it be small, medium,  
19 large, what have you, due to permits, due to  
20 insurance liability, due to the aesthetics of the  
21 appearance of something on the roof, I would  
22 definitely have ran this through the Board of  
23 Directors, whether it needed their approval or not.

24 Because there would be a cosmetic  
25 change to the building.

1                   We are a community-owned hotel. The  
2 stockholders are basically local.

3                   There may be a lot of comments,  
4 negative comments made by the community.

5                   I would want the support of the board  
6 to back me up if we had a surge of negative phone  
7 calls or letters, that this was supported by the  
8 fifteen board of directors rather than a sole  
9 general manager.

10           Q.       I understand.

11           A.       Then for this vagueness, to the best of  
12 my knowledge.

13                   Because if this would have had any  
14 substance, I definitely would have ran it on  
15 through the board. It was so tentative that I  
16 wasn't ready to even present anything.

17           Q.       Now, I want to ask you about paragraph  
18 seven. Excuse me for just one second.

19                   Are you aware of any visit to the hotel  
20 in October, 1991, any visitor to the hotel in 1991  
21 who came to inspect the roof to see if it was  
22 feasible to mount an antenna on it?

23           A.       Me, personally, no.

24           Q.       And you were never informed of any such  
25 visit, right?

1           A.       Not to my knowledge. And again, I gave  
2       carte blanche to Don Yordy to deal with these  
3       people as many times as they wanted to come back.

4           Q.       And as you sit here today, you have no  
5       knowledge of any visit to the hotel in October,  
6       1991 by anyone who came to inspect the roof to see  
7       if it was feasible to mount an antenna on it?

8           A.       I have no knowledge of it.

9           Q.       And who was your maintenance man in  
10      October, 1991?

11          A.       I believe it was Pepi Torres.

12          Q.       And he never told you?

13          A.       Well, I questioned -- I told you that  
14      earlier. That I did question -- The only person on  
15      the premises I questioned about this is the current  
16      chief of maintenance.

17          Q.       Pepi Torres?

18          A.       P-E-P-I T-O-R-R-E-S. And he said he  
19      has absolutely no knowledge of ever discussing this  
20      or showing anybody anything.

21          Q.       At any time?

22          A.       At any time, including when he was a  
23      maintenance man under Don Yordy.

24          Q.       Bear with me one second, if you would.

25          A.       Now, when did Pepi Torres take over as

1 maintenance chief, I can't tell you.

2 Q. Was he there in October of 1991?

3 A. He was there prior to my arrival, which  
4 was in 1985.

5 Q. Now, I want to ask you about August of  
6 1993, which is -- Strike that. Strike August.

7 I wanted to ask you about October. I  
8 want to bring you back to October of 1991.

9 Do you have a recollection of talking  
10 to a person who wanted to inspect the site? Excuse  
11 me, inspect the roof of the Quality Inn, the  
12 Quality Inn facility?

13 A. To the best of my knowledge, no, I do  
14 not.

15 Q. And the name, Tom Riley, is that a name  
16 that you are familiar with?

17 A. No.

18 Q. To your knowledge, have you ever heard  
19 of a person named Tom Riley?

20 A. Not to my knowledge, no.

21 Q. And you have no recollection of meeting  
22 Mr. Riley at your hotel?

23 A. I have no recollection of it, no.

24 Q. And you have no recollection of him  
25 asking you for permission to give him access to the



1 roof?

2 A. I have no recollection of that, no.

3 Q. And you have no recollection of you  
4 asking a maintenance person to give him access to  
5 the roof, that is to give Mr. Riley access to the  
6 roof?

7 A. I have no recollection, no.

8 Q. So, obviously, then you have no  
9 recollection of anyone discussing with you in  
10 October of 1991 whether the roof of the Quality Inn  
11 would be acceptable for a transmitter site?

12 A. There was an initial conversation, and  
13 I believe the date of the conversation was back to  
14 1989.

15 Q. Sure, I understand. I recognize that.  
16 I'm not trying to confuse you. I'm now talking  
17 about October of 1991.

18 A. I understand that. I'm trying to  
19 establish the parameters.

20 Q. I'm now speaking, and I hope I haven't  
21 confused you?

22 A. No, you didn't.

23 Q. All of my questions were directed to  
24 October, 1991, and I want to make sure that I was  
25 clear on that.

1           A.       The reason I brought that up is I  
2 wanted to make sure we were clear that you are not  
3 referring to that as the initial contact.

4           A.       No. What I have been asking -- Should  
5 I ask you those questions again to make the record  
6 clear?

7           A.       No, I'm very clear.

8           Q.       When I was asking you about this visit,  
9 a visit in October, 1991, by a man named Tom Riley.

10          A.       To the best of my knowledge, I don't  
11 recall that, no.

12          Q.       Is your phone number there 273-6771?

13          A.       Yes.

14          Q.       I'm embarrassed of my knowledge of  
15 names, but L-E-N-H-A-R-T-Z-V-I-L-L-E.

16                   MR. KRAUSE: Lenhartsville.

17                   BY MR. COHEN:

18          Q.       Are you familiar with that metropolis,  
19 Mr. March?

20          A.       No.

21          Q.       Do you know a company named Lebanon  
22 Electric Supply?

23          A.       Yes.

24          Q.       Is it about two miles south off Route  
25 72 from your hotel?

1           A.       Oh, yeah. From the hotel, yes. It's  
2 right off 72. You said two miles off 72?  
3           Q.       No, from your hotel?  
4           A.       Yes. We deal with them.  
5           Q.       Do you have an elevator room, is that  
6 right?  
7           A.       Yes. That's how you get on the roof.  
8           Q.       And there is space in the elevator  
9 room? Tell me the configuration of the elevator  
10 room.  
11          A.       Well, you walk through the door. There  
12 is an amount of square footage that is totally open  
13 space.  
14                    To the right is where the elevator  
15 motor and cables are and the computer that runs the  
16 elevator.  
17          Q.       Is the power 120?  
18          A.       I would imagine it's 220. That's an  
19 awesome motor.  
20          Q.       Is it a rubber roof?  
21          A.       To the best of my knowledge, yes.  
22          Q.       No steel exposed?  
23          A.       I don't know what you mean by that. We  
24 have the side trim, which is aluminum, to the best  
25 of my knowledge. That comes up. It's a flat roof.

1           Q.       I bring you back to October of 1991.  
2       Was there a Motorola transmitter rack in the  
3       elevator room?

4           A.       I absolutely have no idea. I frequent  
5       that room maybe once every two years.

6           Q.       If I was to tell you that a person  
7       named Tom Riley stated that he remembered seeing  
8       you at the Lebanon site in October of 1991, you  
9       would not corroborate that, correct?

10          A.       Seeing me?

11          Q.       Talking to you.

12          A.       Oh, talking to me?

13          Q.       You would not corroborate that, I take  
14       it?

15          A.       To the best of my knowledge, I could  
16       not.

17          Q.       And if I was to tell you that Tom Riley  
18       said that you got a maintenance man to give him  
19       access to the roof to inspect it in October, 1991,  
20       you would not corroborate that either, correct?

21          A.       To the best of my knowledge, I cannot.  
22       No.

23          Q.       And if I was to tell you that Mr. Riley  
24       spent approximately thirty to forty-five minutes  
25       inspecting the roof and made notes, you wouldn't

1 corroborate that either, would you?

2 A. I cannot.

3 Q. And if I was to tell you that Mr. Riley  
4 informed either the maintenance man or you that the  
5 site was acceptable, you wouldn't corroborate that  
6 either?

7 A. I have no memory of it, no.

8 Q. And, obviously, you have no  
9 recollection about any telephone conversation  
10 setting up a meeting or an opportunity for Mr.  
11 Riley to visit the hotel?

12 A. I have no recollection, no.

13 Q. I'm just about done. If I could just  
14 review my notes.

15 MR. COHEN: I have no further  
16 questions. I want to thank you very much, Mr.  
17 March. I'm sorry to have imposed on your time.

18 My colleagues may have questions.

19 MR. HOLT: I have some questions, but I  
20 would like to take a brief respite, if we can. Do  
21 you mind taking a five-minute break?

22 (Whereupon, there was a brief recess in  
23 the proceedings.)

24 BY MR. COHEN:

25 Q. If we can go back on the record.

1 You're not prejudiced at all. I just realized I  
2 have one more question to ask.

3 You're not prejudiced since your  
4 questioning hasn't started, so I would like to just  
5 ask that.

6 I want to ask you about paragraph  
7 seven. I neglected to ask you this.

8 Would you look at paragraph seven of  
9 your affidavit, sir?

10 A. Oh, you're back to me. I'm sorry.

11 Q. Yes. And this will be very quick. Do  
12 you see paragraph seven? And it says: The hotel's  
13 current --

14 A. I see number seven.

15 Q. Paragraph seven, page four: The  
16 hotel's current maintenance chief, who has been  
17 employed in the hotel maintenance department since  
18 1984, has told me he, too, does not recall any  
19 visit by a representative of -- That should be of  
20 Raystay, other than the possible visit in 1989.

21 Do you see that sentence?

22 A. Yes, I do.

23 Q. That fellow, the maintenance chief, was  
24 who? You mentioned his name earlier?

25 A. Don Yordy. I'm the one that -- I'm

1       sorry.

2               Q.       Go ahead.

3               A.       I am the one that told him there was  
4       somebody there in '89.

5               Q.       Now, this declaration speaks as of 7  
6       May, 1993. That's when you signed this  
7       declaration?

8               A.       That's a fact.

9               Q.       And am I correct then that the -- Maybe  
10       I'm not. Did the hotel maintenance department  
11       individual -- Strike that.

12               Let me ask you this question. Did you  
13       discuss with the maintenance chief back in October  
14       of -- Who was the maintenance chief in October of  
15       1991?

16               A.       I believe it was, as I stated earlier,  
17       Pepi Torres.

18               Q.       All right. Now, did you ever, as of  
19       this minute, ever talk with Mr. Torres about

20       whether or not a man named Tom Riley came and  
21       inspected the roof back in October of 1991?

22               A.       How could I have asked that if I didn't  
23       know about that question until today, sir?

24               Q.       Right. And the maintenance man, Mr.  
25       Yordy, or -- in 1991, is it Yordy? How do you

1 spell it?

2 A. Yordy was there in 1989. Torres.

3 Q. Who was the fellow in 1991?

4 A. Torres.

5 Q. And Mr. Torres, I take it, never told  
6 you that anybody came and visited the roof in  
7 October of 1991?

8 A. I asked him if he had knowledge during  
9 his whole tenure, which I am there eight years,  
10 June 3rd, 1985.

11 During that time period did he have any  
12 knowledge at any time of anybody coming in and  
13 showing them the roof concerning antennas,  
14 satellites, towers; and his answer was no.

15 Q. Now, we're not just talking about  
16 representatives of Raystay; we're talking about  
17 anybody?

18 A. That's correct.

19 Q. Because Mr. Riley, I'm informed, was  
20 not representing Raystay. He was, as a matter of  
21 fact, representing Trinity.

22 A. It was a general question to him  
23 without any name attached to it.

24 Did anybody ever come into their hotel,  
25 where you showed them the roof, concerning a



1       satellite, a tower to you, a base, anything of that  
2       nature as far as transmissions?

3           Q.       And when did you have that conversation  
4       with Mr. Torres?

5           A.       Right after I first talked to Chris  
6       Holt.

7           MR. COHEN: Thank you. No further  
8       questions.

9                   EXAMINATION

10       BY MR. HOLT:

11           Q.       I just want to clarify in my mind now.  
12       Through the series of questions you might have  
13       confused me a little bit.

14                   At the time of the initial visit that  
15       you referred to earlier in 1989 -- well, you're not  
16       sure whether it was a visit or a phone call, but at  
17       the time of the initial contact, the maintenance  
18       chief at that time was Don Yordy?

19           A.       Yes.

20           Q.       And Mr. Torres was his employee as a  
21       maintenance worker?

22           A.       Yes.

23           Q.       And then sometime during the period  
24       between the initial contact and October of 1991 Mr.  
25       Torres became the maintenance chief, and Mr. Yordy

1 left?

2 A. Yes. If you would like, I can get that  
3 specific date for you by making a phone call. It  
4 will take a minute. If it would help.

5 MR. COHEN: I don't require it.

6 BY MR. HOLT:

7 Q. But you're certain that the transition  
8 from Yordy to Torres occurred before October of  
9 1991?

10 A. I'm pretty sure, yes.

11 Q. That's fine, thanks. And this person  
12 you spoke with concerning your affidavit was Mr.  
13 Torres?

14 A. That's correct.

15 Q. And he confirmed that during his tenure  
16 with the hotel he is unaware of any visit to the  
17 hotel for an inspection of the roof for TV  
18 stations?

19 A. That's correct.

20 Q. And on that point when you were  
21 initially contacted by the individual in 1989, you  
22 delegated the task of showing the subsequent  
23 visitor, which you said occurred shortly  
24 thereafter, to Mr. Yordy, is that right?

25 A. Yes.

1 Q. If I were a caller to the hotel, and I  
2 asked to speak to a manager, who, to your  
3 knowledge, would I be connected with?

4 A. If you didn't state the purpose, that  
5 it was for reservations or a complaint? If you  
6 would just say I want to talk to a manager; is that  
7 your question?

8 Q. Yes.

9 A. You would be transferred over to the  
10 executive office, the administrative office.

11 My secretary would answer the phone, or  
12 the sales coordinator, who was my secretary prior  
13 to my existing secretary.

14 Q. Okay, if I placed that call in October  
15 of 1991 to the hotel, and I asked to speak to the  
16 manager, the same would have been true?

17 A. If it was between the hours of --  
18 working hours of nine to five, Monday through  
19 Friday, yes.

20 Q. So then prior to speaking with you, the  
21 person would be connected to your secretary?

22 A. Yes.

23 Q. How would the caller then be connected  
24 with you? What would the caller have to say to the  
25 secretary, if anything, to be connected with you?

1           A.       Well, she, as you all are aware,  
2 filters the incoming calls. The nuisance calls,  
3 she handles.

4           The business calls that need my input  
5 are directed to me, sometimes via a written note if  
6 I am at a meeting, and if it's something of great  
7 importance she will contact me and get me out of a  
8 meeting.

9           Or, you know, if I am free in the  
10 office she will direct a call to me in the office.

11          But she does always inquire who are  
12 you, what company, and tries to get as much  
13 information as possible.

14          Q.       Did she have any authority to engage in  
15 a conversation with the caller concerning a matter  
16 involving the lease of the hotel's facilities?

17          A.       Very limited, just to gather  
18 information to present to me, to make it easier for  
19 me to call back if I am unavailable.

20          Q.       And that's true, of course, during the  
21 period, October of 1991? I want you to orient your  
22 thinking.

23          A.       This is true of my tenure there in over  
24 eight years.

25          Q.       Do you have any understanding as to how

1 long it takes a call, once it's placed to the  
2 hotel, to be routed to your office?

3 A. You mean after the ringing  
4 discontinues, and it's picked up by the  
5 switchboard?

6 Q. Correct.

7 A. The routing takes seconds.

8 Q. Well, not the actual routing process,  
9 but if I were to call her, I was calling the hotel,  
10 approximately how long would I have to wait before  
11 I actually spoke with you, if you know?

12 A. If I was available or unavailable?

13 Q. If you were available.

14 A. If I was available, oh, probably  
15 anywhere from thirty seconds to like two minutes,  
16 if I would, in fact, talk to you at that time.

17 Q. And what information, if any, would you  
18 require from a caller in order to accept a call?

19 A. I like to get the name, the company,  
20 and the subject matter the person wants to talk  
21 about.

22 And to clarify that, in all cases --  
23 like if an attorney is calling, I don't want her to  
24 get involved in details, so she would just tell me  
25 attorney so and so from firm so and so, and that's

1       it.

2               So if you would call to test this, she  
3       would not quiz you: Why are you calling? She  
4       knows that there are some limitations imposed on  
5       how far you dig.

6               Q.       You earlier testified that you reside  
7       in Lancaster. Approximately how far is Lancaster  
8       from the Quality Inn Hotel?

9               A.       Well, the city, roughly twenty miles,  
10       approximately twenty miles.

11              My drive is twenty-five miles, to the  
12       mile, one way.

13              Q.       And so you commute to work by driving?

14              A.       Yes.

15              Q.       And how long on the average does it  
16       take you to arrive at work?

17              A.       Forty minutes.

18              Q.       And what time of the morning do you  
19       typically leave your residence for work? In the  
20       morning?

21              A.       Roughly, 9:30, 9:45.

22              Q.       Are there any -- I asked you what time  
23       you typically leave in the morning.

24              What, if anything, would cause you to  
25       leave earlier than 9:30, 9:45?

1           A.       Special meetings that were called,  
2 special functions I have to attend. I also go in  
3 later. Some Fridays I go in at 1:00 o'clock in the  
4 afternoon.

5           Q.       As general manager of the hotel and a  
6 member of its board of directors, would you  
7 ordinarily be aware of all lease negotiations  
8 involving the hotel's facilities?

9           A.       What negotiations.

10          Q.       Any sorts of negotiations. Lease  
11 negotiations for the use of the hotel -- Well, put  
12 it in this context; would you ordinarily be aware  
13 of all lease negotiations involving space on the  
14 hotel's roof?

15          A.       Ordinarily, yes.

16          Q.       Would you also be aware of all  
17 discussions between the hotel and others concerning  
18 leases involving the hotel's roof?

19          A.       Yes.

20          Q.       Is that true during the period,  
21 January, 1989 through the present?

22          A.       Yes.

23          Q.       And the same for the preceding  
24 question?

25          A.       Yes.

1           Q.       For the following series of questions I  
2 would like to focus your attention on the period  
3 between July of 1990 to December of 1991.

4                   During that period did you or any other  
5 representative of the hotel enter into lease  
6 negotiations with David Gardner or Raystay  
7 concerning the use of the hotel as a low power  
8 television site?

9           A.       As stated in here, to the best of my  
10 knowledge I have not negotiated, nor signed, any  
11 lease agreements.

12           Q.       Again, focusing your attention to the  
13 period of July, 1990, through December, 1991, did  
14 you or any other representative of the hotel ever  
15 inform David Gardner or Raystay, a representative  
16 of Raystay, that the hotel was still willing to  
17 negotiate an agreement to make the hotel available  
18 for Raystay for use as an LPTV site?

19           A.       To my knowledge I did not recall any  
20 conversation of that nature.

21           Q.       During that same period, did you or any  
22 other representative of the hotel ever generally  
23 discuss possible lease terms with David Gardner or  
24 Raystay for use of the hotel as a LPTV site?

25           A.       To the best of my knowledge, no.



1           Q.       Focusing again on the same time period,  
2       did you or any representative of the hotel ever  
3       engage in preliminary lease negotiations with David  
4       Gardner or Raystay concerning the use of the hotel  
5       as a LPTV site?

6           A.       In your definition, what is a  
7       preliminary agreement?

8           Q.       Well, in the course of -- Have you had  
9       occasion -- Your testimony earlier was that you  
10      have had occasion to negotiate and approve leases  
11      involving the hotel?

12          A.       Yes.

13          Q.       In your understanding of how lease  
14      negotiations occur, have you had occasion during  
15      the periods in question, July, 1990, through  
16      December, 1991, did you or, to your knowledge, any  
17      other representative of the hotel ever engage in  
18      preliminary lease negotiations concerning the  
19      hotel's facilities for use as a LPTV site?

20          A.       The only answer I can give you is there  
21      was a letter of intent signed. I don't know the  
22      date of the letter of intent.

23                    I don't know if it falls into this time  
24      frame you're giving me or not. That's the only  
25      recollection I would have.